

Department of Water and Power



the City of Los Angeles

9/007/033 Incoming

#3985 &

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December 1, 2011

Utah Division of Oil, Gas & Mining Coal Program  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

File in:

☐ Confidential

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Incoming

Dear Permit Supervisor:

Subject: Intermountain Power Agency (IPA)  
Wildcat Loadout Mining and Reclamation Plan

Enclosed herewith is an update to Chapter 1 of the Wildcat Loadout Mining and Reclamation Plan in accordance with your letter of November 3, 2011.

We are also aware of your letter of November 8, 2011 and issues found in your Midterm Review. Those issues are currently being reviewed and will be addressed in a separate correspondence.

In accordance with your submittal format guide, please find three redline copies and five copies in final form.

If you have any comments or questions, please call Mr. Lance C. Lee of my staff at (801) 748-1471.

Sincerely,

Nick C. Kezman  
Coal Business Manager

RECEIVED

DEC 05 2011

DIV. OF OIL, GAS & MINING

Enclosures

c/enc: Utah Division of Oil, Gas & Mining Coal Program / Price Field Office  
Mr. Dan R. Baker - America West Resources  
Mr. Alex Walker - America West Resources  
Mr. Lance C. Lee

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# APPLICATION FOR COAL PERMIT PROCESSING

Permit Change ☒ New Permit ☐ Renewal ☐ Exploration ☐ Bond Release ☐ Transfer ☐

Permittee: Intermountain Power Agency (IPA)

Mine: Wildcat Loadout Facility

Permit Number: C/007/033

Title: Nick C. Kezman, Operating Agent Manager

Description, Include reason for application and timing required to implement:

Update of Chapter 1 information.

**Instructions:** If you answer yes to any of the first eight questions, this application may require Public Notice publication.

- ☐ Yes ☒ No 1. Change in the size of the Permit Area? Acres: \_\_\_\_\_ Disturbed Area: \_\_\_\_\_ ☐ increase ☐ decrease.
- ☐ Yes ☒ No 2. Is the application submitted as a result of a Division Order? DO# \_\_\_\_\_
- ☐ Yes ☒ No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- ☐ Yes ☒ No 4. Does the application include operations in hydrologic basins other than as currently approved?
- ☐ Yes ☒ No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- ☐ Yes ☒ No 6. Does the application require or include public notice publication?
- ☒ Yes ☐ No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- ☐ Yes ☒ No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- ☐ Yes ☒ No 9. Is the application submitted as a result of a Violation? NOV # \_\_\_\_\_
- ☐ Yes ☒ No 10. Is the application submitted as a result of other laws or regulations or policies? \_\_\_\_\_

Explain:

- ☐ Yes ☒ No 11. Does the application affect the surface landowner or change the post mining land use?
- ☐ Yes ☒ No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- ☐ Yes ☒ No 13. Does the application require or include collection and reporting of any baseline information?
- ☐ Yes ☒ No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- ☐ Yes ☒ No 15. Does the application require or include soil removal, storage or placement?
- ☐ Yes ☒ No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- ☐ Yes ☒ No 17. Does the application require or include construction, modification, or removal of surface facilities?
- ☐ Yes ☒ No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- ☐ Yes ☒ No 19. Does the application require or include certified designs, maps or calculation?
- ☐ Yes ☒ No 20. Does the application require or include subsidence control or monitoring?
- ☐ Yes ☒ No 21. Have reclamation costs for bonding been provided?
- ☐ Yes ☒ No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- ☐ Yes ☒ No 23. Does the application affect permits issued by other agencies or permits issued to other entities?
- ☐ Yes ☒ No 24. Does the application include confidential information and is it clearly marked and separated in the plan?

**Please attach three (3) review copies of the application. If the mine is on or adjacent to Forest Service land please submit four (4) copies, thank you.** (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations herein.

Nick C. Kezman Operating Agent Manager

Print Name

Position

Date

Signature (Right-click above choose copy then have notary sign below)

Subscribed and sworn to before me this 1 day of DECEMBER, 2011

Notary Public: CHERE D. LOTT, state of CALIF.

My commission Expires: SEPT. 21, 2012

Commission Number: 1814425

Address: 111 N. HOPE ST. ROOM 1031

City: LOS ANGELES State: CA Zip: 90012



For Office Use Only:

Assigned Tracking  
Number:

Received by Oil, Gas & Mining

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**DEC 05 2011**

**DIV. OF OIL, GAS & MINING**

## Form DOGM - C2 (Revised December 10, 2007)

## TABLE OF CONTENTS

1.	CONTENTS	
2.	CHAPTER 1	LEGAL
3.	CHAPTER 2	BIOLOGY
4.	CHAPTER 3	SOILS
5.	CHAPTER 4	LAND USE
6.	CHAPTER 5	ENGINEERING
7.	CHAPTER 6	GEOLOGY
8.	CHAPTER 7	HYDROLOGY
9.	CHAPTER 8	BONDING
10.	APPENDIX A PART 1	Ownership and Control
11.	APPENDIX A Part 2	Current and Previous Permits
12.	APPENDIX B Part A-1	DOGM Permit
13.	APPENDIX B Part A-2	Utah Railway, Lease Agreement
14.	APPENDIX B Part A-3	Utah Railway, Amendment to Lease
15.	APPENDIX B Part A-4	Utah Railway, Amended Trackage Agreement
16.	APPENDIX B Part A-5	Agreement with Beaver Creek Coal Co.
17.	APPENDIX B Part A-6	BLM Right-of-Way Grant
18.	APPENDIX B Part A-7	BLM Notice to Proceed With Construction
19.	APPENDIX B Part A-8	BLM Access Road Right-of-Way
20.	APPENDIX B Part A-9	BLM Right-of-Way, Amendment No. 1

21.	APPENDIX B Part A-10	BLM Right-of-Way, Amendment No. 2
22.	APPENDIX B Part A-11	BLM Right-of-Way, Amendment No. 3, 4
23.	APPENDIX B Part A-12	BLM Right-of-Way, Amendment No. 5
24.	APPENDIX B Part A-13	Utah Div. of Air Quality - Approval Order
25.	APPENDIX B Part A-14	Utah Dept. of Transmission - Approval of Reduced Rail Clearance
26.	APPENDIX B Part A-15	Southeastern Utah District Health Dept. - Wastewater Disposal System Approval
27.	APPENDIX B Part A-16	State Div. of History - Archeological Clearance (Moved to CONFIDENTIAL BINDER)
28.	APPENDIX B Part A-17	State Div. of History - Archeological Survey (Moved to CONFIDENTIAL BINDER)
29.	APPENDIX B Part A-18	State Div. of Water Rights - Approved Application
30.	APPENDIX B Part A-19	State Div. of Wildlife Resources - Electric Transmission Pole Acceptance
31.	APPENDIX B Part A-20	U.S. Dept. of Interior - Powerline Approval
32.	APPENDIX B Part A-21	State Div. of Water Quality - UPDES Permit
33.	APPENDIX B Part A-22	May 10, 2011 Rights of Way, Leases, Real Property Agreements - Assignments Assignment and Assumption Agreement



34.	APPENDIX B Part A-23	May 4, 2011 Quitclaim Deed between Andalex Resources, Inc., as Grantor, and Intermountain Power Agency, Grantee
35.	APPENDIX B Part B	History of Violations
36.	APPENDIX B Part C	Insurance
37.	APPENDIX B Part D	Bond Information
38.	APPENDIX C	Soil and Foundation Investigation
39.	APPENDIX D Supplement	Soil Survey Soils Report, James Nyenhuis
40.	APPENDIX E	Wildlife Enhancement Project
41.	APPENDIX F	Wildlife Resources Information
42.	APPENDIX G	Garley Canyon Spring Water Rights/Analysis
43.	APPENDIX H	Sediment Pond Certification and R-69 Forms
44.	APPENDIX I	Vegetation Survey
45.	APPENDIX J	Probable Hydrologic Consequences of Operations at the Wildcat Loadout
46.	APPENDIX K	[DELETED]
47.	APPENDIX L	Grade Control Structures
48.	APPENDIX M	[DELETED]
49.	APPENDIX N	Vegetation Test Plot Monitoring
50.	APPENDIX O Supplement	Coal Processing Waste Pile Chemical Analysis of Refuse Material
51.	APPENDIX P	Response to Division Order DO-04 Wind Blown Fines
52.	APPENDIX Q	[DELETED]
53.	APPENDIX R	Sedimentation and Drainage Control Plan
54.	MAPS	

**CHAPTER 1**

**TABLE OF CONTENTS**

R645-301-100.	GENERAL	1-1
R645-301-110.	LEGAL, FINANCIAL, COMPLIANCE AND	1-1
R645-301-111.	INTRODUCTION	1-1
R645-301-112.	IDENTIFICATION OF INTERESTS	1-3
R645-301-113.	VIOLATION INFORMATION	1-7
R645-301-114.	RIGHT-OF-ENTRY INFORMATION	1-9
R645-301-115.	STATUS OF UNSUITABILITY CLAIMS	1-11
R645-301-116.	PERMIT TERM	1-11
R645-301-117.	INSURANCE, PROOF OF PUBLICATION AND FACILITIES OR STRUCTURES USED IN COMMON	1-12
R645-301-118.	FILING FEE	1-12
R645-301-120.	PERMIT APPLICATION FORMAT AND CONTENTS	1-12
R645-301-121.	REQUIREMENTS	1-13
R645-301-122.	REFERENCED MATERIALS	1-13
R645-301-123.	APPLICATION FOR PERMITS, CHANGES, RENEWALS, OR TRANSFERS	1-13
R645-301-130.	REPORTING AND TECHNICAL DATA	1-13
R645-301-131.	TECHNICAL DATA REQUIREMENTS	1-16
R645-301-132.	TECHNIAL ANALYSES REQUIREMENTS	1-16
R645-301-140.	MAPS AND PLANS	1-16
R645-301-141.	MAP FORMATS	1-16
R645-301-142.	PHASES OF OPERATIONS AND MINING ACTIVITY	1-17
R645-301-150.	COMPLETENESS	1-19

**INTERMOUNTAIN POWER AGENCY**  
**WILDCAT LOADOUT**  
**MINING AND RECLAMATION PLAN**  
**CHAPTER 1, LEGAL**



# **TABLE OF CONTENTS** (continued)

	Page
<b>R645-301-100. GENERAL .....</b>	<b>1</b>
<b>R645-301-110. LEGAL, FINANCIAL, AND COMPLIANCE INFORMATION .....</b>	<b>1</b>
<b>R645-301-111. INTRODUCTION .....</b>	<b>1</b>
<b>R645-301-112. IDENTIFICATION OF INTERESTS.....</b>	<b>3</b>
<b>R645-301-112.100. TYPE OF BUSINESS .....</b>	<b>4</b>
<b>R645-301-112.200. NAMES, LOCATIONS, RESIDENT AGENT .....</b>	<b>4</b>
<b>R645-301-112.300. OTHER THAN SINGLE PROPRIETORSHIPS.....</b>	<b>4</b>
<b>R645-301-112.310. OFFICERS AND SHAREHOLDERS.....</b>	<b>5</b>
<b>R645-301-112.320. OWNERSHIP AND CONTROL RELATIONSHIP TO APPLICANT .....</b>	<b>6</b>
<b>R645-301-112.400. PENDING, CURRENT AND PREVIOUS COAL PERMITS.....</b>	<b>6</b>
<b>R645-301-112.500. SURFACE AND MINERAL OWNERSHIP .....</b>	<b>6</b>
<b>R645-301-112.600. ADJACENT SURFACE AND MINERAL OWNERSHIP .....</b>	<b>6</b>
<b>R645-301-112.700. MSHA NUMBERS FOR ALL MINE-ASSOCIATED STRUCTURES.....</b>	<b>6</b>
<b>R645-301-112.800. STATEMENT OF ALL LANDS AND INTERESTS IN LANDS .....</b>	<b>7</b>
<b>R645-301-113. VIOLATION INFORMATION .....</b>	<b>7</b>
<b>R645-301-113.100. COMPLIANCE INFORMATION .....</b>	<b>7</b>
<b>R645-301-113.110. SUSPENDED OR REVOKED PERMITS.....</b>	<b>7</b>
<b>R645-301-113.120. FORFEITED BONDS.....</b>	<b>7</b>
<b>R645-301-113.200. EXPLANATION OF PERMIT OF BOND FORFEITURE.....</b>	<b>7</b>
<b>R645-301-113.210 PERMIT AND BOND IDENTIFICATION.....</b>	<b>7</b>
<b>R645-301-113.220. REGULATORY AUTHORITIES INVOLVED .....</b>	<b>8</b>
<b>R645-301-113.230. CURRENT STATUS OF PERMIT AND BOND.....</b>	<b>9</b>

**TABLE OF CONTENTS**  
(continued)

	<b>Page</b>
<b>R645-301-113.240. ADMINISTRATIVE OR JUDICIAL PROCEDURES .....</b>	<b>9</b>
<b>R645-301-113.250. CURRENT STATUS OF PROCEEDINGS.....</b>	<b>9</b>
<b>R645-301-113.300. LIST OF ALL VIOLATIONS NOTICES.....</b>	<b>9</b>
<b>R645-301-113.310. IDENTIFICATION OF VIOLATIONS.....</b>	<b>9</b>
<b>R645-301-113.320. DESCRIPTION OF VIOLATIONS .....</b>	<b>9</b>
<b>R645-301-113.330. LOCATION OF VIOLATIONS PROCEEDINGS.....</b>	<b>9</b>
<b>R645-301-113.340. STATUS OF VIOLATIONS PROCEEDINGS .....</b>	<b>9</b>
<b>R645-301-113.350. ACTIONS TAKEN TO ABATE VIOLATIONS .....</b>	<b>9</b>
<b>R645-301-114. RIGHT-OF-ENTRY INFORMATION.....</b>	<b>9</b>
<b>R645-301-114.100. DOCUMENTATION .....</b>	<b>10</b>
<b>R645-301-114.200. SEVERED SURFACE AND MINERAL ESTATES .....</b>	<b>10</b>
<b>R645-301-114.210. WRITTEN SURFACE OWNER CONSENT FOR COAL EXTRACTION .....</b>	<b>11</b>
<b>R645-301-114.220. CONVEYANCE EXPRESSLY GRANTING RIGHT TO MINE COAL .....</b>	<b>11</b>
<b>R645-301-114.230. DOCUMENTATION OF LEGAL AUTHORITY TO MINE COAL .....</b>	<b>11</b>
<b>R645-301-114.300. ADJUDICATION OF PROPERTY RIGHTS DISPUTES .....</b>	<b>11</b>
<b>R645-301-115. STATUS OF UNSUITABILITY CLAIMS .....</b>	<b>11</b>
<b>R645-301-115.100. IDENTIFICATION OF LANDS UNSUITABLE.....</b>	<b>11</b>
<b>R645-301-115.200. CLAIMS OF EXEMPTION BY COMMITMENT PRIOR TO JANUARY 4, 1977 .....</b>	<b>11</b>
<b>R645-301-115.300. MINING AND RECLAMATION OPERATIONS WITHIN 300 FEET OF AN OCCUPIED DWELLING OR WITHIN 100 FEET OF A PUBLIC ROAD.....</b>	<b>11</b>
<b>R645-301-116. PERMIT TERM.....</b>	<b>11</b>

# **TABLE OF CONTENTS** (continued)

	Page
<b>R645-301-116.100. SCHEDULE OF PHASED MINING AND RECLAMATION ACTIVITIES.....</b>	12
<b>R645-301-116.200. PERMIT TERM IN EXCESS OF FIVE YEARS .....</b>	12
<b>R645-301-116.210. COMPLETENESS AND ACCURACY FOR LONGER TERM.....</b>	12
<b>R645-301-116.220. DEMONSTRATION OF NEED FOR LONGER TERM .....</b>	12
<b>R645-301-117. INSURANCE, PROOF OF PUBLICATION AND FACILITIES OR STRUCTURES USED IN COMMON .....</b>	12
<b>R645-301-117.100. LIABILITY INSURANCE .....</b>	12
<b>R645-301-117.200. NEWSPAPER PUBLICATION.....</b>	12
<b>R645-301-117.300. FACILITIES USED IN COMMON .....</b>	12
<b>R645-301-118. FILING FEE.....</b>	12
<b>R645-301-120. PERMIT APPLICATION FORMAT AND CONTENTS.....</b>	12
<b>R645-301-121. REQUIREMENTS .....</b>	13
<b>R645-301-121.100. CURRENT INFORMATION .....</b>	13
<b>R645-301-121.200. CLEAR AND CONCISE .....</b>	13
<b>R645-301-121.300. FORMAT REQUIREMENTS .....</b>	13
<b>R645-301-122. REFERENCED MATERIALS .....</b>	13
<b>R645-301-123. APPLICATION FOR PERMITS, CHANGES, RENEWALS, OR TRANSFERS.....</b>	13
<b>R645-301-130. REPORTING AND TECHNICAL DATA.....</b>	13
<b>R645-301-131. TECHNICAL DATA REQUIREMENTS .....</b>	16
<b>R645-301-132. TECHNICAL ANALYSES REQUIREMENTS .....</b>	16
<b>R645-301-140. MAPS AND PLANS.....</b>	16
<b>R645-301-141. MAP FORMATS.....</b>	16
<b>R645-301-142. PHASES OF OPERATIONS AND MINING ACTIVITY .....</b>	17

**TABLE OF CONTENTS**  
(continued)

	<b>Page</b>
<b>R645-301-142.100. PRIOR TO AUGUST 3, 1977.....</b>	<b>18</b>
<b>R645-301-142.200. AFTER AUGUST 3, 1977.....</b>	<b>18</b>
<b>R645-301-142.210. PRIOR TO MAY 3, 1978.....</b>	<b>18</b>
<b>R645-301-142.220. SMALL OPERATOR'S EXEMPTION PRIOR TO JANUARY 1, 1979.....</b>	<b>18</b>
<b>R645-301-142.300. AFTER MAY 3, 1978 (OR JANUARY 1, 1979 FOR SMALL OPERATOR'S EXEMPTION) AND PRIOR TO APPROVAL OF STATE PROGRAM .....</b>	<b>19</b>
<b>R645-301-142.400. AFTER ISSUANCE OF PERMIT BY THE DIVISION .....</b>	<b>19</b>
<b>R645-301-150. COMPLETENESS .....</b>	<b>19</b>

## **CHAPTER 1, LEGAL**

### **R645-301-100. GENERAL**

### **R645-301-110. LEGAL, FINANCIAL, AND COMPLIANCE INFORMATION**

#### **Legal, Financial, Compliance and Information**

The objective of this chapter is to set forth all relevant information concerning ownership and control of Intermountain Power Agency, the ownership and control of the property to be affected by mining activities and all other information and documentation required.

#### **Compliance Information**

a) **Suspension and Revocation**

Intermountain Power Agency, affiliates or persons controlled by or under common control with Intermountain Power Agency never had a mining permit suspended or revoked.

b) **Forfeiture of Bond**

Intermountain Power Agency, affiliates or persons controlled by or under common control with Intermountain Power Agency have not forfeited a mining bond or similar security in lieu of bond.

c) **History of Violations**

Intermountain Power Agency and affiliated companies have not received any violations received within the last three years prior to the date of this amended application. See attached amended and restated Appendix B Part B.

### **R645-301-111. INTRODUCTION**

#### **Introduction and Overview of Project Permit Application**

A. **Introduction**

This permit application is being submitted by Intermountain Power Agency, in order that coal can be stored and loaded out of its coal loadout facility located at Wildcat Junction, near Helper, Utah. This facility is known as the Wildcat Loadout. Intermountain Power Agency is a political subdivision of the State of Utah. Intermountain Power Agency has a permit to operate its coal loading and storage facility known as Wildcat Loadout, in accordance with the appropriate regulations. This coal loadout facility is located on land owned by the United States of America in Carbon County, Utah.

Intermountain Power Agency was granted the right-of-way in August, 2011, by the Bureau of Land Management of the United States Department of the Interior.

The Intermountain Power Agency has leased the coal loadout facility to America West Resources, Inc., who is currently operating the facility. The Intermountain Power Agency controls all lands within the proposed coal loadout facility area. Intermountain Power Agency, has therefore prepared this coal loadout facility permit application rewritten under the R645 Coal Mining Rules format, for submission to the appropriate regulatory authorities for review and approval.

B. Overview and Summary of Project

Coal storage and loading activities at Wildcat started officially on April 2, 1985, when the first coal was brought there for storage and eventual loadout, under a permit issued to Andalex Resources, Inc. by the Bureau of Land Management, U.S. Department of the Interior. The permit was assigned to Intermountain Power Agency. This coal loadout facility is located approximately three miles west of U.S. Highway 6, Consumer's Road, Helper, Utah, in Carbon County and can be more accurately described as parts of Section 33, Township 13 South, Range 9 East, S.L.B. & M. (please see Figure 1). The permit area contains approximately 100.19 acres, of which 12.5 acres are under lease to the Utah Railway by the Bureau of Land Management. The facility is located within a 270 acre BLM right-of-way. The serial number for this right-of-way is U-48027.

There are no perennial streams or bodies of water on the property. Water for culinary purposes is supplied by Price Municipal Corporation and hauled down to the facility using approved culinary tank trucks. The water is in turn stored in an approved culinary tank at the loadout.

Historically, coal loading activities had been the sole use for this permit area, even prior to being leased to Intermountain Power Agency. This is evidenced by the fact that the soil survey of the area revealed that of the eight test holes, two completely lacked topsoil and one located along the tracks had approximately two feet of fine coal and no topsoil. Coal had been stored along the tracks for shipping purposes in the past. It is appropriately justifiable to conclude that Intermountain Power Agency's proposed use of the area for coal storage and loading activities will be fully compatible with its' previous use, and as such, no significant new disturbance of the area has occurred. Observations have shown that the previous land use consisting of wildlife habitat and migrations has not been interrupted. This is evidenced by repeated sightings of deer herds moving through the permit area. Other mammals and birds continue to use this area for their habitat. Access to the loadout and storage facility is by paved county and state roads, which are also maintained by the county and state.

Coal is hauled from the Hidden Splendor Mine and other local mines that may desire coal transloading services. All surface and support facilities necessary for present operations have been completed. There are no additions or modifications proposed at this time. Aside from the DOGM permit, Intermountain Power Agency has acquired all the necessary approvals, licenses, rights-of-way, and permits at both state and federal levels to conduct coal storage and loading

operations on the plan area. The facility is designed to handle loading and crushing activities up to 5.5 million tons per year.

Upon cessation of coal loading activities, reclamation activities will commence in accordance with the plans outlined in this application. The land will be restored to a condition equal to or better than the pre-mining condition, according to available technology.

This facility is located in an area where mining and its related activities have been the main industry, and as a result, the surrounding communities are properly adapted. The labor supply is excellent and well trained. With all these considerations, coupled with the prudent management at Intermountain Power Agency, the Wildcat Coal Loadout Facility is a model operation in the Carbon County area with no significant environmental or socioeconomic impact.

C. Organization of Application

This permit application has been organized in accordance with the general requirements for format and contents as outlined in the R645 Coal Mining Rules.

**R645-301-112. IDENTIFICATION OF INTERESTS**

**Identification of Interests**

1. Permit Applicant

Intermountain Power Agency  
10653 S. River Front Parkway, Suite 120  
South Jordan, Utah 84095  
(801) 938-1333

2. Legal and Equitable Owners of Record

The addresses of owners of record are as follows:

Bureau of Land Management  
Utah State Office  
P.O. Box 45155  
440 West 200 South, Suite 500  
Salt Lake City, Utah 84145-0155  
(801) 539-4001

Utah Railroad  
P.O. Box 11608  
Salt Lake City, Utah 84147  
(801) 521-3447



Intermountain Power Agency  
10653 S. River Front Parkway, Suite 120  
South Jordan, Utah  
(801) 938-1333

All land within the permit area in question is owned by the United States of America and is leased by the Utah Railroad Corporation and Intermountain Power Agency.

3. Purchasers of Record Under Real Estate Contracts

There are no purchasers of record under any real estate contracts of areas to be affected by surface operations and facilities of this loadout, and there are no purchasers of record under any real estate contracts of the coal to be loaded out.

**R645-301-112.100. TYPE OF BUSINESS**

Intermountain Power Agency is a political subdivision of the State of Utah created under the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Ann. Intermountain Power Agency has no shareholders or partners and has issued no stock or any partnership interests. This facility stores, processes and ships coal for various operations in the area. This mining permit application has been prepared by Intermountain Power Agency and is being submitted for review and approval by the appropriate regulatory authorities.

**R645-301-112.200. NAMES, LOCATIONS, RESIDENT AGENT**

Resident Agent who will accept service of process for Intermountain Power Agency Wildcat Loadout, ACT/007/033:

James A. Hewlett  
Intermountain Power Agency  
10653 S. River Front Parkway, Suite 120  
South Jordan, Utah  
(801) 938-1333

Also, see Chapter 8, for notarized statement pertaining to completeness and accuracy.

**R645-301-112.300. OTHER THAN SINGLE PROPRIETORSHIPS**

Intermountain Power Agency holds the exclusive coal operating interests in the permit area.

**R645-301-112.310. OFFICERS AND SHAREHOLDERS**

<u>Name</u>	<u>Address</u>	<u>Title</u>	<u>Date Position Assumed</u>
<b>Officers:</b>			
Ted L. Olson	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Chairman	August 2010
R. Leon Bowler	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Vice Chairman	December 1984
Ed Collins	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Secretary	August 2010
Russell F. Fjeldsted	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Treasurer	March 2007

<u>Name</u>	<u>Address</u>	<u>Title</u>	<u>Date Position Assumed</u>
<b>Directors:</b>			
R. Leon Bowler	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	June 1977
Ted L. Olson	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	January 1990
Russell F. Fjeldsted	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	January 1992
Walter Meacham	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	January 1999
Robert O. Christiansen	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	June 2007
Ed Collins	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	June 2007
Fred Moss	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	August 2010
<b>General Manager</b>			
James A. Hewlett	10653 South River Front Parkway, #120 South Jordan, Utah 84095	General Manager	December 2007

**R645-301-112.320. OWNERSHIP AND CONTROL RELATIONSHIP TO APPLICANT**

Refer to R645-301-112.310 for ownership and control information.

**R645-301-112.400. PENDING, CURRENT AND PREVIOUS COAL PERMITS**

1. Intermountain Power Agency owned a 50% undivided interest in the real property interests of the West Ridge Mine, Utah Coal Program Permit No. C/007/041, West Ridge Resources, Inc., Permittee, MSHA ID No. 42-02233. Effective as of September 29, 2010, Intermountain Power Agency conveyed all of its interest in the West Ridge Mine to Andalex Resources, Inc.
2. Intermountain Power Agency owned a 50% undivided interest in the real property interests of the Crandall Canyon Mine, Utah Coal Program Permit No. C/015/032, Genwal Resources, Inc., Permittee, MSHA ID No. 42-01715. Effective as of September 29, 2010, Intermountain Power Agency conveyed all of its interest in the West Ridge Mine to Andalex Resources, Inc.
3. Intermountain Power Agency owned a 100% undivided interest in the real property interests, and was the Permittee, of the Horse Canyon Mine, Utah Coal Program Permit No. C/007/013. Effective April, 2010, Intermountain Power Agency conveyed all of its interest in the Horse Canyon Mine to Utah American Energy, Inc.

**R645-301-112.500. SURFACE AND MINERAL OWNERSHIP**

All surface and subsurface areas contiguous to the permit area are owned by the United States. The name and address of the responsible authority representing the federal government is as follows:

Bureau of Land Management  
Utah State Office  
P.O. Box 45155  
440 West 200 South, Suite 500  
Salt Lake City, Utah 84145-0155  
(801) 539-4001

**R645-301-112.600. ADJACENT SURFACE AND MINERAL OWNERSHIP**

Refer to Plate 16 for adjacent surface and mineral ownership.

**R645-301-112.700. MSHA NUMBERS FOR ALL MINE-ASSOCIATED STRUCTURES**

The Wildcat Loadout and Refuse Pile have the following MSHA I.D. Numbers:

Loadout	MSHA I.D. 42-01864
Refuse Pile	MSHA I.D. 1211-UT-09-01864-01

**R645-301-112.800. STATEMENT OF ALL LANDS AND INTERESTS IN LANDS**

N/A

**R645-301-113. VIOLATION INFORMATION**

**History of Violations**

**R645-301-113.100. COMPLIANCE INFORMATION**

Neither Intermountain Power Agency nor any subsidiary, affiliate or persons controlled by or under common control with Intermountain Power Agency has:

1. Had a federal or state permit to conduct coal mining and reclamation operations suspended or revoked in the five years preceding the date of submission of the Application; or
2. Has forfeited a performance bond or similar security deposited in lieu of bond

**R645-301-113.110. SUSPENDED OR REVOKED PERMITS**

Refer to R645-301-113.100 for ownership and control information.

**R645-301-113.120. FORFEITED BONDS**

Refer to R645-301-113.100 for ownership and control information.

**R645-301-113.200. EXPLANATION OF PERMIT OF BOND FORFEITURE**

N/A

**R645-301-113.210 PERMIT AND BOND IDENTIFICATION**

The following is a list of all other licenses and permits under applicable state and federal land use, air and water quality, water rights, and health and safety laws and regulations held by Intermountain Power Agency in order to operate its coal loading facility. These permits can also be found in Appendix B.

State:

1. State of Utah  
Department of Natural Resources  
Division of Oil, Gas, and Mining  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801

Reference I.D.: DOGM MRP C/007/033

2. State of Utah  
Department of Health  
Division of Environmental Health  
150 West North Temple  
P.O. Box 2500  
Salt Lake City, Utah 84110
  - Air Quality Construction and Operation Permit  
Approved July 22, 1982
  - Water Quality - Sediment and Drainage  
Approved September 15, 1982
  - Septic and Culinary Plan (1) Approved April 1, 1982
3. Utah Division of Water Quality  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870
  - UPDES Discharge Permit #UTG040007

Federal:

1. Bureau of Land Management  
Utah State Office  
P.O. Box 45155  
440 West 200 South, Suite 500  
Salt Lake City, Utah 84145-0155
  - Right-of-Way  
Permit Number U-48027  
Granted January 12, 1982  
*Amended February 5, 2007*  
*Assigned August 1, 2011*
2. U.S. Department of Labor  
Mine Safety and Health Administration (MSHA)  
P.O. Box 25367  
Denver, Colorado 80225  
(District 9)  
Wildcat Loadout Facility I.D. 42-01864

**R645-301-113.220. REGULATORY AUTHORITIES INVOLVED**

See above

**R645-301-113.230. CURRENT STATUS OF PERMIT AND BOND**

See above

**R645-301-113.240. ADMINISTRATIVE OR JUDICIAL PROCEDURES**

None

**R645-301-113.250. CURRENT STATUS OF PROCEEDINGS**

None

**R645-301-113.300. LIST OF ALL VIOLATIONS NOTICES**

None (See attached amended and restated Appendix B Part B)

**R645-301-113.310. IDENTIFICATION OF VIOLATIONS**

None

**R645-301-113.320. DESCRIPTION OF VIOLATIONS**

None

**R645-301-113.330. LOCATION OF VIOLATIONS PROCEEDINGS**

None

**R645-301-113.340. STATUS OF VIOLATIONS PROCEEDINGS**

None

**R645-301-113.350. ACTIONS TAKEN TO ABATE VIOLATIONS**

None

**R645-301-114. RIGHT-OF-ENTRY INFORMATION**

The legal right to enter and conduct coal loading activities in the permit area (collectively, the "Entry Rights") based on the language contained therein include those items listed below (a copy of which is included in Appendix B).

1. Bureau of Land Management ("BLM") Right of Way No. U-48027 dated January 1982 between Tower Resources, Inc. and BLM, as amended by that certain Amendment dated February 5, 2007. This right of way contains 270 acres described as the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  of Section 33, Township 13 South, Range 9 East, SLBM.

2. BLM Right of Way No. U-52810 dated May 1984. The right of way contains 10.37 acres within Sections 28 and 33, Township 13 South, Range 9 East, SLBM.
3. Lease dated December 1, 1981 between Utah Railway Company and Tower Resources, Inc., as amended by that certain Lease Amendment dated February 8, 1983. The Lease covers thirteen acres within Section 33, Township 13 South, Range 9 East, SLBM.
4. Beaver Creek Coal Company Letter Agreement. An unrecorded Agreement from Beaver Creek Coal Company to Andalex Resources, Inc., dated July 28, 1988, granting Andalex the right to use a small portion of land for the Wildcat Loadout operations. The area granted is located to the east of Beaver Creek Coal Company's fence to the railroad right-of-way and south of the "new gate."

The permit area is located on 100.19 acres on the following described lands:

Township 13 South, Range 9 East, SLBM

Section 33: NW1/4SE1/4, N1/2SW1/4SE1/4, E1/2E1/2NE1/4SW1/4, E1/2NE1/4SE1/4SW1/4, NE1/4SE1/4SE1/4SW1/4, NW1/4SW1/4SW1/4SE1/4, E1/2SE1/4SW1/4NE1/4 and Portions of N1/2NW1/4NE1/4SE1/4, NE1/4SW1/4NE1/4, SW1/4SW1/4NE1/4, NW1/4SE1/4SW1/4NE1/4, W1/2NE1/4SW1/4, W1/2E1/2NE1/4SW1/4, W1/2E1/2SE1/4SW1/4, containing 100.19 acres.

The Entry Rights are held by the Intermountain Power Agency pursuant to the terms and conditions of the following instruments:

1. May 10, 2011 Rights of Way, Leases, Real Property Agreements—Assignments Assignment and Assumption Agreement ("IPA Assignment") between Intermountain Power Agency and Andalex Resources, Inc., recorded with the Carbon County Recorder on May 13, 2011 at Entry No. 810646, Book 747, Page 93. A copy of the IPA Assignment is attached hereto as Appendix B-Part A-22; and
2. May 4, 2011 Quitclaim Deed ("IPA Quitclaim") between Andalex Resources, Inc., as Grantor, and Intermountain Power Agency, Grantee, recorded with the Carbon County Recorder on May 13, 2011 at Entry No. 810647, Book 747, Page 98. A copy of the IPA Quitclaim is attached hereto as Appendix B-Part A-23.

**R645-301-114.100. DOCUMENTATION**

Appendix B

**R645-301-114.200. SEVERED SURFACE AND MINERAL ESTATES**

Appendix B



**R645-301-114.210. WRITTEN SURFACE OWNER CONSENT FOR COAL EXTRACTION**

N/A

**R645-301-114.220. CONVEYANCE EXPRESSLY GRANTING RIGHT TO MINE COAL**

N/A

**R645-301-114.230. DOCUMENTATION OF LEGAL AUTHORITY TO MINE COAL**

N/A

**R645-301-114.300. ADJUDICATION OF PROPERTY RIGHTS DISPUTES**

The Division does not have the authority to adjudicate property rights disputes.

**R645-301-115. STATUS OF UNSUITABILITY CLAIMS**

N/A

**R645-301-115.100. IDENTIFICATION OF LANDS UNSUITABLE**

The permit area is not within an area designated unsuitable for the effects of mining activities, specifically, coal loading activities, under study for designation in an administrative proceeding initiated under those parts.

Further, there are no occupied dwellings within 300 feet of the permit.

**R645-301-115.200. CLAIMS OF EXEMPTION BY COMMITMENT PRIOR TO JANUARY 4, 1977**

None

**R645-301-115.300. MINING AND RECLAMATION OPERATIONS WITHIN 300 FEET OF AN OCCUPIED DWELLING OR WITHIN 100 FEET OF A PUBLIC ROAD**

The Consumers Road and the Trestle Road are public roads within 100 feet of the disturbed area boundary.

**R645-301-116. PERMIT TERM**

The requested term of this permit is five years. Intermountain Power Agency will then apply for five year extensions over the life of this operation.

**R645-301-116.100. SCHEDULE OF PHASED MINING AND RECLAMATION ACTIVITIES**

See R645-301-142

**R645-301-116.200. PERMIT TERM IN EXCESS OF FIVE YEARS**

The requested term of this permit is five years. Intermountain Power Agency will then apply for five year extensions over the life of this operation.

**R645-301-116.210. COMPLETENESS AND ACCURACY FOR LONGER TERM**

N/A

**R645-301-116.220. DEMONSTRATION OF NEED FOR LONGER TERM**

N/A

**R645-301-117. INSURANCE, PROOF OF PUBLICATION AND FACILITIES OR STRUCTURES USED IN COMMON**

Appendix B contains certificates of liability insurance covering personal injury and property damage resulting from this operation.

**R645-301-117.100. LIABILITY INSURANCE**

Appendix B

**R645-301-117.200. NEWSPAPER PUBLICATION**

A copy of the newspaper advertisement of this Mining and Reclamation Plan and proof of publication of the advertisement is filed with the Division and made part of the complete application. (See Appendix B).

**R645-301-117.300. FACILITIES USED IN COMMON**

N/A

**R645-301-118. FILING FEE**

N/A

**R645-301-120. PERMIT APPLICATION FORMAT AND CONTENTS**

Summary of Table of Contents

R645-301-100.	General
R645-301-200.	Soils
R645-301-300.	Biology

R645-301-400.	Land Use and Air Quality
R645-301-500.	Engineering
R645-301-600.	Geology
R645-301-700.	Hydrology
R645-301-800.	Bonding and Insurance

**R645-301-121. REQUIREMENTS**

**R645-301-121.100. CURRENT INFORMATION**

Information is current.

**R645-301-121.200. CLEAR AND CONCISE**

Information is clear and concise.

**R645-301-121.300. FORMAT REQUIREMENTS**

To facilitate review of the application, each chapter listed above has been further divided into specific parts and sections. These can be found listed in the detailed table of contents appearing at the beginning of this text along with the page numbers on which they appear. This table of contents also contains lists of figures, tables, plates, exhibits, and appendices to facilitate cross referencing between chapters.

Exhibits include appropriate supporting documents, reports and publications and are included as appendices.

Maps which were not reduced to fit into the text are included in a separate volume as plates. All maps and plans are submitted in accordance with the requirements.

**R645-301-122. REFERENCED MATERIALS**

All references and referenced publications and materials are listed under R645-301-130.

**R645-301-123. APPLICATION FOR PERMITS, CHANGES, RENEWALS, OR TRANSFERS**

This permit is submitted to update information to the R645 permit format.

**R645-301-130. REPORTING AND TECHNICAL DATA**

**Preparation of Application**

**A. Persons and Consultants Involved**

The following persons and/or organizations were involved in collection and analysis of the technical data set forth in prior versions of this application.

1. In House Consulting Services

- a) Andalex Resources, Inc., AMCA Coal Leasing, Inc.

Samuel C. Quigley - General Manager  
Michael W. Glasson - Senior Geologist  
David E. Shaver - Chief Engineer

2. Outside Consulting Services

- a) Dan W. Guy - Registered Professional Engineer  
(State of Utah No. 4548)  
Price, Utah  
- Sedimentation and Drainage Control Plan

- b) Bruce T.S. Ware - Registered Land Surveyor  
Price, Utah

- c) Rollins, Brown, and Gunnell Provo, Utah  
- Foundation Study

- d) Earl Jensen - Soil Scientist  
Price, Utah

- e) Roy Harniss - Range Scientist  
Logan, Utah  
- Vegetation Inventory

B. Coordination and Consultation with Governmental Agencies

The following governmental agencies were consulted in the preparation of information set forth in the prior versions of this application.

U.S. Department of Agriculture  
Soil Conservation Service  
Price, Utah

U.S. Department of the Interior  
Bureau of Land Management  
Price, Utah  
Salt Lake City, Utah

Office of Surface Mining Reclamation  
and Enforcement  
Denver, Colorado

U.S. Fish and Wildlife Service  
Salt Lake City, Utah

State of Utah:

Department of Natural Resources  
Division of Oil, Gas, and Mining  
Salt Lake City, Utah

Antiquities Section (Consulting Services Branch)  
Salt Lake City, Utah  
(Archaeological Survey)

Department of Natural Resources  
Division of Wildlife Resources  
Salt Lake City, Utah  
Price, Utah

Department of Community & Economic Development  
Division of State History  
Salt Lake City, Utah

Department of Natural Resources  
Division of Water Rights  
Salt Lake City, Utah

Department of Health  
Division of Environmental Health  
Salt Lake City, Utah

C. References

Andalex Resources, Inc. 1987 - Mining and Reclamation Plan

Submitted to the State of Utah

Department of Natural Resources, DOGM

Doelling, H.H. 1972 - Central Utah Coal Fields U.G.M.S. Monograph Series No. 3

U.S.D.A. 1978 - Soil Survey and Interpretations of the Coal Creek Emery Portion of the Price River and Emery County Areas, Carbon and Emery Counties, Utah. S.C.S.

U.S.D.I. 1979 - Final Environmental Statement, Development of Coal Resources in Central Utah, Parts 1 and 2

D. Bibliography

Barfield, B.J., Warner, R.C. and Haan, C.R. 1983. Applied Hydrology and Sedimentology for Disturbed Areas. Oklahoma Technical Press, Stillwater, 603 pp.

Cordova, R.M., 1964, "Hydrogeologic Reconnaissance of Part of Head Waters Area of the Price River, Utah", Utah Geological and Mineral Survey, Water Resources Bulletin 4, p. 26.

Fisher, D.J., Erdmann, C.E., and Reeside, J.B., 1960. "Cretaceous and Tertiary Formation of the Book Cliffs, Carbon, Emery, and Grand Counties, Utah, and Garfield and Mesa Counties, Colorado", U.S. Geological Survey, Professional Paper 332, p. 80.

Price, D. and Arnow, T., 1974. Summary Appraisals of the Nation's Ground Water Resources - Upper Colorado Region. U.S. Geological Survey Professional Paper 813-C, 40 pp.

Spieker, Edmond M., 1931. Wasatch Coal Field, Utah. U.S. Geological Survey, Bulletin 819.

U.S. Bureau of Reclamation, 1977. Design of Small Dams, U.S. Government Printing Office, Washington, D.C., 816 pp.

Waddell, K.M., and other, 1981. Hydrologic Reconnaissance of the Wasatch Plateau, Book Cliffs Field Areas, Utah. U.S.G.S. Water Supply Paper 2068.

**R645-301-131. TECHNICAL DATA REQUIREMENTS**

Where applicable, technical data submitted has been identified as to who prepared the information and is stamped by that registered professional engineer (P.E.).

**R645-301-132. TECHNICAL ANALYSES REQUIREMENTS**

Analyses are prepared by a qualified professional engineer.

**R645-301-140. MAPS AND PLANS**

Per Division Requirement.

**R645-301-141. MAP FORMATS**

Per Division Requirement.

**Introduction and Overview of Project Permit Application**

This permit application is being submitted by Intermountain Power Agency, in order that coal can be stored and loaded out of its coal loadout facility located at Wildcat Junction, near Helper, Utah. This facility is known as the Wildcat Loadout. Intermountain Power Agency is a political subdivision of the State of Utah. Intermountain Power Agency hereby seeks the permit to operate its coal loading and storage facility known as Wildcat Loadout, in accordance with the appropriate regulations. This coal loadout facility is located on land owned by the United States of America in Carbon County, Utah.

Andalex was granted the right-of-way in January, 1982, by the Bureau of Land Management of the United States Department of the Interior. The right-of-way was subsequently amended on February 5, 2007 and assigned to Intermountain Power Agency on August 1, 2011. Intermountain Power Agency, the designated operator, controls all lands within the proposed coal loadout facility area. Intermountain Power Agency, has therefore prepared this coal loadout facility permit application for submission to the appropriate regulatory authorities for review and approval.

Coal storage and loading activities at Wildcat started officially on April 2, 1985, when the first coal was brought there for storage and eventual loadout, under a permit issued to Andalex Resources by the Bureau of Land Management, U.S. Department of the Interior and assigned to Intermountain Power Agency on August 1, 2011. This coal loadout facility is located approximately three miles west of U.S. Highway 6, Consumer's Road, Helper, Utah, in Carbon County and can be more accurately described as parts of Section 33, Township 13 South, Range 9 East, S.L.B. & M. (please see Plate 1). The property contains approximately 270 acres, of which 12.5 acres are under lease to the Utah Railway by the Bureau of Land Management. The serial number for this right-of-way is U-48027. The permit area occupies 100.19 acres within the BLM right-of-way.

There are no perennial streams or bodies of water on the property. Water for culinary purposes is supplied by Price Municipal Corporation and hauled down to the facility using approved culinary tank trucks. The water is in turn stored in an approved culinary tank at the loadout.

Historically, coal loading activities had been the sole use for this permit area, even prior to being leased to Intermountain Power Agency. This is evidenced by the fact that the soil survey of the area revealed that of the eight test holes, two completely lacked topsoil and one located along the tracks had approximately two feet of fine coal and no topsoil. Coal had been stored along the tracks for shipping purposes in the past. It is appropriately justifiable to conclude that Intermountain Power Agency's proposed use of the area for coal storage and loading activities will be fully compatible with its previous use, and as such, no significant new disturbance of the area has occurred. Observations have shown that the previous land use consisting of wildlife habitat and migrations has not been interrupted. This is evidenced by repeated sightings of deer herds moving through the permit area. Other mammals and birds continue to use this area for their



habitat. Access to the loadout and storage facility is by paved county and state roads, which are also maintained by the county and state.

Coal is hauled from the Hidden Splendor Mine and other local mines that may desire coal transloading services. All surface and support facilities necessary for present operations have been completed. There are no additions or modifications proposed at this time.

Aside from the DOGM permit, Intermountain Power Agency has acquired all the necessary approvals, licenses, rights-of-way, and permits at both state and federal levels to conduct coal storage and loading operations on the plan area. The facility is designed to handle loading and crushing activities up to 5.5 million tons per year.

Upon cessation of coal loading activities, reclamation activities will commence in accordance with the plans outlined in this application. The land will be restored to a condition equal to or better than the premining condition, according to available technology.

This facility is located in an area where mining and its related activities have been the main industry, and as a result, the surrounding communities are properly adapted. The labor supply is excellent and well trained. With all these considerations, coupled with the prudent management at Intermountain Power Agency, the Wildcat Coal Loadout Facility is a model operation in the Carbon County area with no significant environmental or socioeconomic impact.

**R645-301-142.100. PRIOR TO AUGUST 3, 1977**

None by Intermountain Power Agency. A wash plant and loadout were operated by other independent companies or individuals in areas presently consumed by Intermountain Power Agency's surface facilities. Intermountain Power Agency's encroachment onto these previously disturbed areas transferred the responsibility for reclamation to Intermountain Power Agency. The specific locations of disturbed areas prior to Intermountain Power Agency's mining activities is irrelevant.

**R645-301-142.200. AFTER AUGUST 3, 1977**

All of Intermountain Power Agency's surface facilities and mining operations began after August 3, 1977.

**R645-301-142.210. PRIOR TO MAY 3, 1978**

See R645-301-142.100.

**R645-301-142.220. SMALL OPERATOR'S EXEMPTION PRIOR TO JANUARY 1, 1979**

N/A

**R645-301-142.300. AFTER MAY 3, 1978 (OR JANUARY 1, 1979 FOR SMALL  
OPERATOR'S EXEMPTION) AND PRIOR TO APPROVAL OF  
STATE PROGRAM**

N/A

**R645-301-142.400. AFTER ISSUANCE OF PERMIT BY THE DIVISION**

A list of all applicable permits is included in Appendix B.

**R645-301-150. COMPLETENESS**

Per Division.

**APPENDIX B**  
**PART A-22**

**RIGHTS OF WAY, LEASES, REAL PROPERTY  
AGREEMENTS—ASSIGNMENT AND  
ASSUMPTION AGREEMENT**

**WHEN RECORDED, RETURN TO:**

Parsons Behle & Latimer  
One Utah Center  
201 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
Attn: Ronald L. Rencher

Ent 810646 Bk 747 Pg 93  
Date: 13-MAY-2011 1:14:30PM  
Fee: \$25.00 Check  
Filed By: VB  
VIKKI BARNETT, Recorder  
CARBON COUNTY CORPORATION  
For: PARSONS BEHLE & LATIMER

**RIGHTS OF WAY, LEASES, REAL PROPERTY AGREEMENTS--**  
**ASSIGNMENT AND ASSUMPTION AGREEMENT**

THIS RIGHTS OF WAY, LEASES, REAL PROPERTY AGREEMENTS--  
ASSIGNMENT AND ASSUMPTION AGREEMENT (the "Assignment") is made and  
entered into this 10 day of May, 2011 (the "Effective Date") by and between  
INTERMOUNTAIN POWER AGENCY, a political subdivision of the State of Utah, having  
offices located at 10653 South River Front Parkway, Suite 120, South Jordan, Utah 84095  
("IPA"); and ANDALEX RESOURCES, INC., a Delaware corporation having offices located  
at 794 North "C" Canyon Road, P.O. Box 910, East Carbon, Utah 84520 ("ANDALEX"). Each  
of IPA and ANDALEX may be hereinafter referred to individually as a "party" and collectively  
as the "parties."

**WITNESSETH:**

THAT FOR AND IN CONSIDERATION OF the sum of Ten Dollars (\$10.00), the  
mutual promises and covenants contained herein and in the Transfer Agreement, and intending to  
be legally bound hereby, the parties agree as follows:

1. Transfer Agreement. This Assignment is executed and delivered pursuant to, and  
is subject to and governed by, the terms and provisions of that certain Transfer Agreement  
regarding the Wildcat Loadout facility dated effective as of May 10, 2011, by and between IPA  
and ANDALEX (the "Transfer Agreement"), including without limitation the representations  
and warranties contained therein. Any capitalized terms not defined herein shall have the  
meaning ascribed to such terms in the Transfer Agreement. Notices to be given hereunder shall  
be given to the parties at their respective addresses set forth above, and any such notice(s) shall  
be given in accordance with the requirements and procedures set forth in the Transfer  
Agreement. In the event of a conflict between the terms and conditions of this Assignment and  
Assumption and the terms and conditions of the Transfer Agreement, the terms and conditions of  
the Transfer Agreement shall govern and control.

2. Assignment by ANDALEX. As of the Effective Date, and subject to the terms  
and conditions of this Assignment and the Transfer Agreement, ANDALEX hereby sells,  
assigns, transfers, and sets over unto IPA, all of its right, title and interest in and to the easements  
and rights of way and real property agreements, together with all amendments and modifications  
thereto, and located within those lands, more particularly described at Exhibit 1 attached hereto  
and incorporated herein (collectively, the "Transferred Agreements").

3. Assumption of Duties and Obligations by IPA. As of the Effective Date, and subject to the terms and conditions of this Assignment and the Transfer Agreement, IPA hereby assumes and agrees to keep, perform, and fulfill the duties, covenants and obligations of ANDALEX arising under the Transferred Agreements.

IN WITNESS WHEREOF, the parties, through their duly authorized representatives, have caused this Assignment to be executed as of the day and year first above written.

INTERMOUNTAIN POWER AGENCY

By: 

Name: James A. Hewlett

Title: General Manager

ANDALEX RESOURCES, INC.

By: 

Name: David W. Hibbs

Title: President

STATE OF UTAH )

COUNTY OF Salt Lake )

SS:

The foregoing instrument was acknowledged before me this 4th day of May, 2011, by James A. Hewlett, as General Manager of Intermountain Power Agency, a political subdivision of the state of Utah, on behalf of the Intermountain Power Agency.

Penny Berry  
Notary Public

My Commission Expires:

1/4/2011

STATE OF Utah )

COUNTY OF Salt Lake )

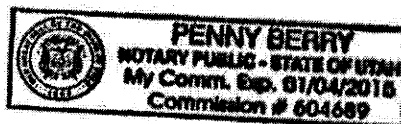
SS:

The foregoing instrument was acknowledged before me this 4th day of May 2011, by David W. Hibbs, as President of ANDALEX Resources, Inc., a Delaware corporation, on behalf of the corporation.

Penny Berry  
Notary Public

My Commission Expires:

1/4/2011

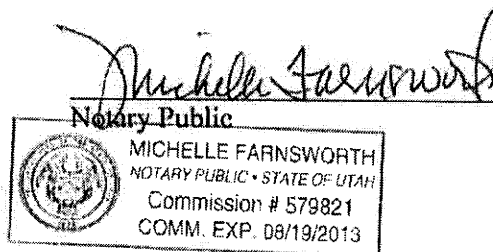


STATE OF Utah )  
COUNTY OF Salt Lake ) ss:

The foregoing instrument was acknowledged before me this 10th day  
of May, 2011, by James A. Hewlett, as General Manager  
of Intermountain Power Agency, a political subdivision of the state of Utah, on behalf of the  
Intermountain Power Agency.

My Commission Expires:

8/19/2013



STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011, by \_\_\_\_\_ as \_\_\_\_\_  
of ANDALEX Resources, Inc., a Delaware corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public

My Commission Expires:



## Exhibit 1

The following described real property located in Carbon County, Utah:

1. BLM ROW UTU-48027, dated January 1982 between Tower Resources, Inc. and BLM as amended February 5, 2007 (Coal and Storage Loadout Facility)  
  
Township 13 South, Range 9 East, SLBM  
Section 33: SESWNE, E2SW, SE  
(Containing 250 acres, more or less.)
2. BLM ROW UTU-052810, dated May 1984 (Access Road)  
  
Township 13 South, Range 9 East, SLBM  
Section 33: located within the W2NE  
(Containing 7.805 acres, more or less.)  
Tax Parcel No. 2A-1031-33F
3. Beaver Creek Coal Company Letter Agreement  
An unrecorded Agreement from Beaver Creek Coal Company to Andalex Resources, Inc., dated July 28, 1988, granting Andalex the right to use a small portion of land for the Wildcat Loadout operations. The area granted is located to the east of Beaver Creek Coal Company's fence to the railroad right-of-way and south of the "new gate."
4. Utah Railway Company Lease  
Lease dated December 1, 1981, as amended February 8, 1983, by and between Utah Railway Company, a Utah Corporation, Lessor, and Tower Resources, Inc. (successor in interest), a Delaware Corporation, Lessee, affecting the following described lands located in Carbon County, Utah:

Two strips of land of the Lessor in the vicinity of Sections 27, 28, and 33, Township 13 South, Range 9 East, SLB&M and Sections 4 and 5, Township 14 South, Range 9 East, SLB&M in Carbon County, Utah, being 92.5 feet on each side of a strip of land which is 15 feet wide being 7½ feet on either side of the center line of Lessor's main line track extending from a point opposite Mile Post 7 plus 2444 feet (7.4629) to a point opposite Mile Post 5 plus 2114 feet (5.4004), but excluding a strip of land 50 feet wide on either side of Mile Post 5 plus 4575 feet (5.8665), such exclusion to be reserved for a possible future road crossing of the tracks, containing approximately 45.83 acres, more or less. The leased premises does not include a strip of land 15 feet wide down the centerline of Lessor's main line track.

**APPENDIX B  
PART A-23**

**QUITCLAIM DEED BETWEEN  
ANDALEX RESOURCES, INC., GRANTOR  
AND  
INTERMOUNTAIN POWER AGENCY, GRANTEE**

WHEN RECORDED, MAIL TO:

Parsons Behle & Latimer  
One Utah Center  
201 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
Attn: Ronald L. Rencher

Ent 810647 Bk 747 Pg 98  
Date: 13-MAY-2011 1:21:47PM  
Fee: \$25.00 Check  
Filed By: VB  
VIKKI BARNETT, Recorder  
CARBON COUNTY CORPORATION  
For: PARSONS BEHLE & LATIMER

PLEASE MAIL TAX NOTICE TO GRANTEE  
AT ITS ADDRESS LISTED BELOW

Space above for County Recorder's Use

### QUITCLAIM DEED

IN CONSIDERATION OF Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, ANDALEX RESOURCES, INC., a Delaware corporation, having offices located at 794 North "C" Canyon Road, P.O. Box 910, East Carbon, Utah 84520 ("Grantor"), hereby quitclaims to the INTERMOUNTAIN POWER AGENCY, a political subdivision of the State of Utah, having offices located at 10653 South River Front Parkway, Suite 120, South Jordan, Utah 84095 ("Grantee"), all of Grantor's right, title and interest in the improvements described in Exhibit A located on or under that certain real property located in Carbon County, Utah, more particularly described on the attached Exhibit B ("Wildcat Loadout Real Property"), which is incorporated herein by this reference.

SUBJECT TO taxes and assessments for the year 2011 and thereafter.

This Quitclaim Deed shall extend to and be binding upon, and every benefit hereof shall inure to, the parties hereto and their respective successors and assigns. This Quitclaim Deed shall be governed by the laws of the State of Utah.

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed this 4 day of May, 2011 (the "Effective Date").

GRANTOR:

ANDALEX RESOURCES, INC., a Delaware corporation

By: David W. Hibbs  
Print Name: DAVID W. HIBBS  
Title: President

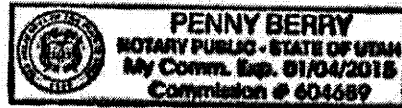
STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE        )

The foregoing instrument was acknowledged before me this 4 day of May, 2011, by  
David W. Hibbs, the President of  
ANDALEX RESOURCES, INC., a Delaware corporation.

Penny Berry  
NOTARY PUBLIC  
Residing at: Salt Lake

My Commission Expires:

1/4/2015



## **Exhibit A to Quitclaim Deed**

### **Fixtures and Improvements**

That portion of the following items that are real property:

1. Unit train coal loading facility
2. Conveyors (including any magnets and metal detectors situated on the Wildcat Loadout Real Property as of the Effective Date)
3. Stackers situated on the Wildcat Loadout Real Property as of the Effective Date
4. Office building (including any building systems (HVAC, electrical, water) contained therein as of the Effective Date). (Note that any clothing lockers and any other property owned and supplied by vendors are specifically excluded from this Exhibit A.)
5. 8,000 gallon underground tank for stoker oil
6. Scalehouse trailer/entrance station
7. Truck scale
8. Crushing and screening facilities
9. Two truck dump/dozer traps
10. Power substation with transformers
11. Two water and coal spray tanks. (Note that the spraying systems associated with the tanks and any other property owned and supplied by vendors are specifically excluded from this Exhibit A.)
12. Small shop building (including any building systems (HVAC, electrical, water) contained therein as of the Effective Date). (Note that the Safety-Kleen tank system and any other property owned and supplied by vendors are specifically excluded from this Exhibit A.)
13. Modular shower/change trailer
14. Truck dump (west of railroad track)
15. Train loading facilities including loading chutes (west of railroad track)
16. Thermo-Gammametrics Nuclear Coal Analyzer
17. Reclaim Tunnels and all improvements contained therein as of the Effective Date
18. Three control buildings (including any building systems (HVAC, electrical, water) contained therein as of the Effective Date.)
19. Roadway improvements situated on the Wildcat Loadout Real Property as of the Effective Date
20. Septic system and drainage field situated on the Wildcat Loadout Real Property as of the Effective Date
21. Any property owned or supplied by vendors are specifically excluded from this Quitclaim Deed

## **Exhibit B to Quitclaim Deed**

### **Wildcat Loadout Real Property**

The following described real property located in Carbon County, Utah:

1. BLM ROW UTU-48027, dated January 1982 between Tower Resources, Inc. and BLM as amended February 5, 2007 (Coal and Storage Loadout Facility)

Township 13 South, Range 9 East, SLBM  
Section 33: SESWNE, E2SW, SE  
(Containing 250 acres, more or less.)

2. BLM ROW UTU-052810, dated May 1984 (Access Road)

Township 13 South, Range 9 East, SLBM  
Section 33: located within the W2NE  
(Containing 7.805 acres, more or less.)  
Tax Parcel No. 2A-1031-33F

3. Beaver Creek Coal Company Letter Agreement  
An unrecorded Agreement from Beaver Creek Coal Company to Andalex Resources, Inc., dated July 28, 1988, granting Andalex the right to use a small portion of land for the Wildcat Loadout operations. The area granted is located to the east of Beaver Creek Coal Company's fence to the railroad right-of-way and south of the "new gate."

4. Utah Railway Company Lease  
Lease dated December 1, 1981, as amended February 8, 1983, by and between Utah Railway Company, a Utah Corporation, Lessor, and Tower Resources, Inc. (successor in interest), a Delaware Corporation, Lessee, affecting the following described lands located in Carbon County, Utah:

Two strips of land of the Lessor in the vicinity of Sections 27, 28, and 33, Township 13 South, Range 9 East, SLB&M and Sections 4 and 5, Township 14 South, Range 9 East, SLB&M in Carbon County, Utah, being 92.5 feet on each side of a strip of land which is 15 feet wide being 7½ feet on either side of the center line of Lessor's main line track extending from a point opposite Mile Post 7 plus 2444 feet (7.4629) to a point opposite Mile Post 5 plus 2114 feet (5.4004), but excluding a strip of land 50 feet wide on either side of Mile Post 5 plus 4575 feet (5.8665), such exclusion to be reserved for a possible future road crossing of the tracks, containing approximately 45.83 acres, more or less. The leased premises do not include a strip of land 15 feet wide down the centerline of Lessor's main line track.

**APPENDIX B**  
**PART B**

**HISTORY OF VIOLATIONS**

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## **VIOLATION INFORMATION**

Information updated to November 23, 2011



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Intermountain Power Agency and affiliated companies have not received any violations received within the last three years prior to the date of this application.

**INTERMOUNTAIN POWER AGENCY**  
**WILDCAT LOADOUT**  
**MINING AND RECLAMATION PLAN**  
**CHAPTER 1, LEGAL**

16120.002/4822-2525-5947.6

**RECEIVED**  
**DEC 05 2011**  
**DIV. OF OIL, GAS & MINING**

**TABLE OF CONTENTS**  
(continued)

	<b>Page</b>	
R645-301-100. GENERAL .....	1	
R645-301-110. LEGAL, FINANCIAL, AND COMPLIANCE INFORMATION .....	1	
R645-301-111. INTRODUCTION .....	1	
R645-301-112. IDENTIFICATION OF INTERESTS .....	3	
R645-301-112.100. TYPE OF BUSINESS .....	4	
R645-301-112.200. NAMES, LOCATIONS, RESIDENT AGENT .....	4	
R645-301-112.300. OTHER THAN SINGLE PROPRIETORSHIPS .....	4	
R645-301-112.310. OFFICERS AND SHAREHOLDERS .....	5	Deleted: 4
R645-301-112.320. OWNERSHIP AND CONTROL RELATIONSHIP TO APPLICANT .....	6	Deleted: 5
R645-301-112.400. PENDING, CURRENT AND PREVIOUS COAL PERMITS .....	6	
R645-301-112.500. SURFACE AND MINERAL OWNERSHIP .....	6	
R645-301-112.600. ADJACENT SURFACE AND MINERAL OWNERSHIP .....	6	
R645-301-112.700. MSHA NUMBERS FOR ALL MINE-ASSOCIATED STRUCTURES .....	6	
R645-301-112.800. STATEMENT OF ALL LANDS AND INTERESTS IN LANDS .....	7	Deleted: 6
R645-301-113. VIOLATION INFORMATION .....	7	
R645-301-113.100. COMPLIANCE INFORMATION .....	7	
R645-301-113.110. SUSPENDED OR REVOKED PERMITS .....	7	
R645-301-113.120. FORFEITED BONDS .....	7	
R645-301-113.200. EXPLANATION OF PERMIT OF BOND FORFEITURE .....	7	
R645-301-113.210 PERMIT AND BOND IDENTIFICATION .....	7	
R645-301-113.220. REGULATORY AUTHORITIES INVOLVED .....	8	
R645-301-113.230. CURRENT STATUS OF PERMIT AND BOND .....	9	Deleted: 8

**TABLE OF CONTENTS**  
(continued)

Page

R645-301-113.240. ADMINISTRATIVE OR JUDICIAL PROCEDURES .....	9
R645-301-113.250. CURRENT STATUS OF PROCEEDINGS .....	9
R645-301-113.300. LIST OF ALL VIOLATIONS NOTICES .....	9
R645-301-113.310. IDENTIFICATION OF VIOLATIONS .....	9
R645-301-113.320. DESCRIPTION OF VIOLATIONS .....	9
R645-301-113.330. LOCATION OF VIOLATIONS PROCEEDINGS .....	9
R645-301-113.340. STATUS OF VIOLATIONS PROCEEDINGS .....	9
R645-301-113.350. ACTIONS TAKEN TO ABATE VIOLATIONS .....	9
R645-301-114. RIGHT-OF-ENTRY INFORMATION .....	9
R645-301-114.100. DOCUMENTATION .....	10
R645-301-114.200. SEVERED SURFACE AND MINERAL ESTATES .....	10
R645-301-114.210. WRITTEN SURFACE OWNER CONSENT FOR COAL EXTRACTION .....	11
R645-301-114.220. CONVEYANCE EXPRESSLY GRANTING RIGHT TO MINE COAL .....	11
R645-301-114.230. DOCUMENTATION OF LEGAL AUTHORITY TO MINE COAL .....	11
R645-301-114.300. ADJUDICATION OF PROPERTY RIGHTS DISPUTES .....	11
R645-301-115. STATUS OF UNSUITABILITY CLAIMS .....	11
R645-301-115.100. IDENTIFICATION OF LANDS UNSUITABLE .....	11
R645-301-115.200. CLAIMS OF EXEMPTION BY COMMITMENT PRIOR TO JANUARY 4, 1977 .....	11
R645-301-115.300. MINING AND RECLAMATION OPERATIONS WITHIN 300 FEET OF AN OCCUPIED DWELLING OR WITHIN 100 FEET OF A PUBLIC ROAD .....	11
R645-301-116. PERMIT TERM .....	11

Deleted: 10

**TABLE OF CONTENTS**  
(continued)

Page

<b>R645-301-116.100. SCHEDULE OF PHASED MINING AND RECLAMATION ACTIVITIES.....</b>	<b>12</b>
<b>R645-301-116.200. PERMIT TERM IN EXCESS OF FIVE YEARS .....</b>	<b>12</b>
<b>R645-301-116.210. COMPLETENESS AND ACCURACY FOR LONGER TERM.....</b>	<b>12</b>
<b>R645-301-116.220. DEMONSTRATION OF NEED FOR LONGER TERM .....</b>	<b>12</b>
<b>R645-301-117. INSURANCE, PROOF OF PUBLICATION AND FACILITIES OR STRUCTURES USED IN COMMON .....</b>	<b>12</b>
<b>R645-301-117.100. LIABILITY INSURANCE .....</b>	<b>12</b>
<b>R645-301-117.200. NEWSPAPER PUBLICATION.....</b>	<b>12</b>
<b>R645-301-117.300. FACILITIES USED IN COMMON .....</b>	<b>12</b>
<b>R645-301-118. FILING FEE .....</b>	<b>12</b>
<b>R645-301-120. PERMIT APPLICATION FORMAT AND CONTENTS.....</b>	<b>12</b>
<b>R645-301-121. REQUIREMENTS .....</b>	<b>13</b>
<b>R645-301-121.100. CURRENT INFORMATION .....</b>	<b>13</b>
<b>R645-301-121.200. CLEAR AND CONCISE .....</b>	<b>13</b>
<b>R645-301-121.300. FORMAT REQUIREMENTS .....</b>	<b>13</b>
<b>R645-301-122. REFERENCED MATERIALS .....</b>	<b>13</b>
<b>R645-301-123. APPLICATION FOR PERMITS, CHANGES, RENEWALS, OR TRANSFERS.....</b>	<b>13</b>
<b>R645-301-130. REPORTING AND TECHNICAL DATA.....</b>	<b>13</b>
<b>R645-301-131. TECHNICAL DATA REQUIREMENTS .....</b>	<b>16</b>
<b>R645-301-132. TECHNICAL ANALYSES REQUIREMENTS .....</b>	<b>16</b>
<b>R645-301-140. MAPS AND PLANS .....</b>	<b>16</b>
<b>R645-301-141. MAP FORMATS.....</b>	<b>16</b>
<b>R645-301-142. PHASES OF OPERATIONS AND MINING ACTIVITY.....</b>	<b>17</b>

Deleted: 11

Deleted: 16

**TABLE OF CONTENTS**  
(continued)

	<b>Page</b>
R645-301-142.100. PRIOR TO AUGUST 3, 1977.....	18
R645-301-142.200. AFTER AUGUST 3, 1977.....	18
R645-301-142.210. PRIOR TO MAY 3, 1978.....	18
R645-301-142.220. SMALL OPERATOR'S EXEMPTION PRIOR TO JANUARY 1, 1979.....	18
R645-301-142.300. AFTER MAY 3, 1978 (OR JANUARY 1, 1979 FOR SMALL OPERATOR'S EXEMPTION) AND PRIOR TO APPROVAL OF STATE PROGRAM.....	19
R645-301-142.400. AFTER ISSUANCE OF PERMIT BY THE DIVISION.....	19
R645-301-150. COMPLETENESS .....	19

Deleted: 18

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## CHAPTER 1, LEGAL

### R645-301-100. GENERAL

### R645-301-110. LEGAL, FINANCIAL, AND COMPLIANCE INFORMATION

#### Legal, Financial, Compliance and Information

The objective of this chapter is to set forth all relevant information concerning ownership and control of Intermountain Power Agency, the ownership and control of the property to be affected by mining activities and all other information and documentation required.

#### Compliance Information

a) Suspension and Revocation

Intermountain Power Agency, affiliates or persons controlled by or under common control with Intermountain Power Agency never had a mining permit suspended or revoked.

b) Forfeiture of Bond

Intermountain Power Agency, affiliates or persons controlled by or under common control with Intermountain Power Agency have not forfeited a mining bond or similar security in lieu of bond.

c) History of Violations

Intermountain Power Agency and affiliated companies have not received any violations received within the last three years prior to the date of this amended application. See attached amended and restated Appendix B Part B.

### R645-301-111. INTRODUCTION

#### Introduction and Overview of Project Permit Application

A. Introduction

This permit application is being submitted by Intermountain Power Agency, in order that coal can be stored and loaded out of its coal loadout facility located at Wildcat Junction, near Helper, Utah. This facility is known as the Wildcat Loadout. Intermountain Power Agency is a political subdivision of the State of Utah. Intermountain Power Agency has a permit to operate its coal loading and storage facility known as Wildcat Loadout, in accordance with the appropriate regulations. This coal loadout facility is located on land owned by the United States of America in Carbon County, Utah.

Intermountain Power Agency was granted the right-of-way in August, 2011, by the Bureau of Land Management of the United States Department of the Interior.

The Intermountain Power Agency has leased the coal loadout facility to America West Resources, Inc., who is currently operating the facility. The Intermountain Power Agency controls all lands within the proposed coal loadout facility area. Intermountain Power Agency, has therefore prepared this coal loadout facility permit application rewritten under the R645 Coal Mining Rules format, for submission to the appropriate regulatory authorities for review and approval.

B. Overview and Summary of Project

Coal storage and loading activities at Wildcat started officially on April 2, 1985, when the first coal was brought there for storage and eventual loadout, under a permit issued to Andalex Resources, Inc. by the Bureau of Land Management, U.S. Department of the Interior. The permit was assigned to Intermountain Power Agency. This coal loadout facility is located approximately three miles west of U.S. Highway 6, Consumer's Road, Helper, Utah, in Carbon County and can be more accurately described as parts of Section 33, Township 13 South, Range 9 East, S.L.B. & M. (please see Figure 1). The permit area contains approximately 100.19 acres, of which 12.5 acres are under lease to the Utah Railway by the Bureau of Land Management. The facility is located within a 270 acre BLM right-of-way. The serial number for this right-of-way is U-48027.

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There are no perennial streams or bodies of water on the property. Water for culinary purposes is supplied by Price Municipal Corporation and hauled down to the facility using approved culinary tank trucks. The water is in turn stored in an approved culinary tank at the loadout.

Historically, coal loading activities had been the sole use for this permit area, even prior to being leased to Intermountain Power Agency. This is evidenced by the fact that the soil survey of the area revealed that of the eight test holes, two completely lacked topsoil and one located along the tracks had approximately two feet of fine coal and no topsoil. Coal had been stored along the tracks for shipping purposes in the past. It is appropriately justifiable to conclude that Intermountain Power Agency's proposed use of the area for coal storage and loading activities will be fully compatible with its' previous use, and as such, no significant new disturbance of the area has occurred. Observations have shown that the previous land use consisting of wildlife habitat and migrations has not been interrupted. This is evidenced by repeated sightings of deer herds moving through the permit area. Other mammals and birds continue to use this area for their habitat. Access to the loadout and storage facility is by paved county and state roads, which are also maintained by the county and state.

Coal is hauled from the Hidden Splendor Mine and other local mines that may desire coal transloading services. All surface and support facilities necessary for present operations have been completed. There are no additions or modifications proposed at this time. Aside from the DOGM permit, Intermountain Power Agency has acquired all the necessary approvals, licenses, rights-of-way, and permits at both state and federal levels to conduct coal storage and loading



operations on the plan area. The facility is designed to handle loading and crushing activities up to 5.5 million tons per year.

Upon cessation of coal loading activities, reclamation activities will commence in accordance with the plans outlined in this application. The land will be restored to a condition equal to or better than the pre-mining condition, according to available technology.

This facility is located in an area where mining and its related activities have been the main industry, and as a result, the surrounding communities are properly adapted. The labor supply is excellent and well trained. With all these considerations, coupled with the prudent management at Intermountain Power Agency, the Wildcat Coal Loadout Facility is a model operation in the Carbon County area with no significant environmental or socioeconomic impact.

C. Organization of Application

This permit application has been organized in accordance with the general requirements for format and contents as outlined in the R645 Coal Mining Rules.

**R645-301-112. IDENTIFICATION OF INTERESTS**

**Identification of Interests**

1. Permit Applicant

Intermountain Power Agency  
10653 S. River Front Parkway, Suite 120  
South Jordan, Utah 84095  
(801) 938-1333

2. Legal and Equitable Owners of Record

The addresses of owners of record are as follows:

Bureau of Land Management  
Utah State Office  
P.O. Box 45155  
440 West 200 South, Suite 500  
Salt Lake City, Utah 84145-0155  
(801) 539-4001

Utah Railroad  
P.O. Box 11608  
Salt Lake City, Utah 84147  
(801) 521-3447

Intermountain Power Agency  
10653 S. River Front Parkway, Suite 120  
South Jordan, Utah  
(801) 938-1333

All land within the permit area in question is owned by the United States of America and is leased by the Utah Railroad Corporation and Intermountain Power Agency.

3. Purchasers of Record Under Real Estate Contracts

There are no purchasers of record under any real estate contracts of areas to be affected by surface operations and facilities of this loadout, and there are no purchasers of record under any real estate contracts of the coal to be loaded out.

**R645-301-112.100. TYPE OF BUSINESS**

Intermountain Power Agency is a political subdivision of the State of Utah created under the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Ann. Intermountain Power Agency has no shareholders or partners and has issued no stock or any partnership interests. This facility stores, processes and ships coal for various operations in the area. This mining permit application has been prepared by Intermountain Power Agency and is being submitted for review and approval by the appropriate regulatory authorities.

**R645-301-112.200. NAMES, LOCATIONS, RESIDENT AGENT**

Resident Agent who will accept service of process for Intermountain Power Agency Wildcat Loadout, ACT/007/033:

James A. Hewlett  
Intermountain Power Agency  
10653 S. River Front Parkway, Suite 120  
South Jordan, Utah  
(801) 938-1333

Also, see Chapter 8, for notarized statement pertaining to completeness and accuracy.

**R645-301-112.300. OTHER THAN SINGLE PROPRIETORSHIPS**

Intermountain Power Agency holds the exclusive coal operating interests in the permit area.

**R645-301-112.310. OFFICERS AND SHAREHOLDERS**

<u>Name</u>	<u>Address</u>	<u>Title</u>	<u>Date Position Assumed</u>
<b>Officers:</b>			
Ted L. Olson	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Chairman	August 2010
R. Leon Bowler	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Vice Chairman	December 1984
Ed Collins	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Secretary	August 2010
Russell F. Fjeldsted	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Treasurer	March 2007

<u>Name</u>	<u>Address</u>	<u>Title</u>	<u>Date Position Assumed</u>
<b>Directors:</b>			
R. Leon Bowler	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	June 1977
Ted L. Olson	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	January 1990
Russell F. Fjeldsted	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	January 1992
Walter Meacham	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	January 1999
Robert O. Christiansen	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	June 2007
Ed Collins	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	June 2007
Fred Moss	10653 South River Front Parkway, #120 South Jordan, Utah 84095	Director	August 2010

**General  
Manager**

James A. Hewlett	10653 South River Front Parkway, #120 South Jordan, Utah 84095	General Manager	December 2007
---------------------	---	--------------------	---------------

**R645-301-112.320. OWNERSHIP AND CONTROL RELATIONSHIP TO APPLICANT**

Refer to R645-301-112.310 for ownership and control information.

**R645-301-112.400. PENDING, CURRENT AND PREVIOUS COAL PERMITS**

1. Intermountain Power Agency owned a 50% undivided interest in the real property interests of the West Ridge Mine, Utah Coal Program Permit No. C/007/041, West Ridge Resources, Inc., Permittee, MSHA ID No. 42-02233. Effective as of September 29, 2010, Intermountain Power Agency conveyed all of its interest in the West Ridge Mine to Andalex Resources, Inc.
2. Intermountain Power Agency owned a 50% undivided interest in the real property interests of the Crandall Canyon Mine, Utah Coal Program Permit No. C/015/032, Genwal Resources, Inc., Permittee, MSHA ID No. 42-01715. Effective as of September 29, 2010, Intermountain Power Agency conveyed all of its interest in the West Ridge Mine to Andalex Resources, Inc.
3. Intermountain Power Agency owned a 100% undivided interest in the real property interests, and was the Permittee, of the Horse Canyon Mine, Utah Coal Program Permit No. C/007/013. Effective April, 2010, Intermountain Power Agency conveyed all of its interest in the Horse Canyon Mine to Utah American Energy, Inc.

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**R645-301-112.500. SURFACE AND MINERAL OWNERSHIP**

All surface and subsurface areas contiguous to the permit area are owned by the United States. The name and address of the responsible authority representing the federal government is as follows:

Bureau of Land Management  
Utah State Office  
P.O. Box 45155  
440 West 200 South, Suite 500  
Salt Lake City, Utah 84145-0155  
(801) 539-4001

**R645-301-112.600. ADJACENT SURFACE AND MINERAL OWNERSHIP**

Refer to Plate 16 for adjacent surface and mineral ownership.

**R645-301-112.700. MSHA NUMBERS FOR ALL MINE-ASSOCIATED STRUCTURES**

The Wildcat Loadout and Refuse Pile have the following MSHA I.D. Numbers:

Deleted: M.S.H.A.

Loadout      MSHA I.D. 42-01864

Deleted: -

**R645-301-112.800. STATEMENT OF ALL LANDS AND INTERESTS IN LANDS**

N/A

**R645-301-113. VIOLATION INFORMATION****History of Violations****R645-301-113.100. COMPLIANCE INFORMATION**

Neither Intermountain Power Agency nor any subsidiary, affiliate or persons controlled by or under common control with Intermountain Power Agency has:

1. Had a federal or state permit to conduct coal mining and reclamation operations suspended or revoked in the five years preceding the date of submission of the Application; or
2. Has forfeited a performance bond or similar security deposited in lieu of bond

**R645-301-113.110. SUSPENDED OR REVOKED PERMITS**

Refer to R645-301-113.100 for ownership and control information.

**R645-301-113.120. FORFEITED BONDS**

Refer to R645-301-113.100 for ownership and control information.

**R645-301-113.200. EXPLANATION OF PERMIT OF BOND FORFEITURE**

N/A

**R645-301-113.210 PERMIT AND BOND IDENTIFICATION**

The following is a list of all other licenses and permits under applicable state and federal land use, air and water quality, water rights, and health and safety laws and regulations held by Intermountain Power Agency in order to operate its coal loading facility. These permits can also be found in Appendix B.

State:

1. State of Utah  
Department of Natural Resources  
Division of Oil, Gas, and Mining  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801

Reference I.D.: DOGM MRP C/007/033

2. State of Utah  
Department of Health  
Division of Environmental Health  
150 West North Temple  
P.O. Box 2500  
Salt Lake City, Utah 84110
  - Air Quality Construction and Operation Permit  
Approved July 22, 1982
  - Water Quality - Sediment and Drainage  
Approved September 15, 1982
  - Septic and Culinary Plan (1) Approved April 1, 1982
3. Utah Division of Water Quality  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870
  - UPDES Discharge Permit #UTG040007

Federal:

1. Bureau of Land Management  
Utah State Office  
P.O. Box 45155  
440 West 200 South, Suite 500  
Salt Lake City, Utah 84145-0155
  - Right-of-Way  
Permit Number U-48027  
Granted January 12, 1982  
*Amended February 5, 2007*  
*Assigned August 1, 2011*
2. U.S. Department of Labor  
Mine Safety and Health Administration (MSHA)  
P.O. Box 25367  
Denver, Colorado 80225  
(District 9)  
Wildcat Loadout Facility I.D. 42-01864

Deleted: (M.S.H.A.)

**R645-301-113.220. REGULATORY AUTHORITIES INVOLVED**

See above

**R645-301-113.230. CURRENT STATUS OF PERMIT AND BOND**

See above

**R645-301-113.240. ADMINISTRATIVE OR JUDICIAL PROCEDURES**

None

**R645-301-113.250. CURRENT STATUS OF PROCEEDINGS**

None

**R645-301-113.300. LIST OF ALL VIOLATIONS NOTICES**

None (See attached amended and restated Appendix B Part B)

Deleted: None¶

**R645-301-113.310. IDENTIFICATION OF VIOLATIONS**

None

**R645-301-113.320. DESCRIPTION OF VIOLATIONS**

None

**R645-301-113.330. LOCATION OF VIOLATIONS PROCEEDINGS**

None

**R645-301-113.340. STATUS OF VIOLATIONS PROCEEDINGS**

None

**R645-301-113.350. ACTIONS TAKEN TO ABATE VIOLATIONS**

None

**R645-301-114. RIGHT-OF-ENTRY INFORMATION**

The legal right to enter and conduct coal loading activities in the permit area (collectively, the "Entry Rights") based on the language contained therein include those items listed below (a copy of which is included in Appendix B).

1. Bureau of Land Management ("BLM") Right of Way No. U-48027 dated January 1982 between Tower Resources, Inc. and BLM, as amended by that certain Amendment dated February 5, 2007. This right of way contains 270 acres described as the NE¼SW¼NE¼, S½SW¼NE¼, E½SW¼, SE¼ of Section 33, Township 13 South, Range 9 East, SLBM.

Deleted: Intermountain Power Agency currently holds approximately 270 acres of federal land which contains the permit area. Intermountain Power Agency bases its'

Deleted: pursuant to

Deleted: in the right-of-way, specifically the actual grant (amended) dated March 24, 1982, amended February 5, 2007 and assigned August 1, 2011 (see Appendix B-Part A-12A). This right-of-way was granted under the authority of the Federal Land Policy and Management Act of 1976 (90 Stat. 2776; 43 U.S.C. 1761, Sec. 501 (a)(7)). All valid rights existing on the date of this grant shall apply.

Deleted: A right to enter and conduct loading activities on the approximately thirteen acres of the permit area leased to the Utah Railroad is contained in the private lease agreement with the Utah Railroad assigned to the Intermountain Power Agency in August, 2011.¶ The right-of-way (and the permit area) can be described as follows:¶  
U-48027-¶  
Salt Lake Base and Meridian, Utah  
Township 13 South, Range 9 East,  
Section 33,¶

Deleted: , containing 270 acres

2. BLM Right of Way No. U-52810 dated May 1984. The right of way contains 10.37 acres within Sections 28 and 33, Township 13 South, Range 9 East, SLBM.
3. Lease dated December 1, 1981 between Utah Railway Company and Tower Resources, Inc., as amended by that certain Lease Amendment dated February 8, 1983. The Lease covers thirteen acres within Section 33, Township 13 South, Range 9 East, SLBM.
4. Beaver Creek Coal Company Letter Agreement. An unrecorded Agreement from Beaver Creek Coal Company to Andalex Resources, Inc., dated July 28, 1988, granting Andalex the right to use a small portion of land for the Wildcat Loadout operations. The area granted is located to the east of Beaver Creek Coal Company's fence to the railroad right-of-way and south of the "new gate."

The permit area is located on 100.19 acres on the following described lands:

Township 13 South, Range 9 East, SLBM

Section 33: NW1/4SE1/4, N1/2SW1/4SE1/4, E1/2E1/2NE1/4SW1/4, E1/2NE1/4SE1/4SW1/4, NE1/4SE1/4SE1/4SW1/4, NW1/4SW1/4SW1/4SE1/4, E1/2SE1/4SW1/4NE1/4 and Portions of N1/2NW1/4NE1/4SE1/4, NE1/4SW1/4NE1/4, SW1/4SW1/4NE1/4, NW1/4SE1/4SW1/4NE1/4, W1/2NE1/4SW1/4, W1/2E1/2NE1/4SW1/4, W1/2E1/2SE1/4SW1/4, containing 100.19 acres.

The Entry Rights are held by the Intermountain Power Agency pursuant to the terms and conditions of the following instruments:

1. May 10, 2011 Rights of Way, Leases, Real Property Agreements—Assignments Assignment and Assumption Agreement ("IPA Assignment") between Intermountain Power Agency and Andalex Resources, Inc., recorded with the Carbon County Recorder on May 13, 2011 at Entry No. 810646, Book 747, Page 93. A copy of the IPA Assignment is attached hereto as Appendix B-Part A-22; and
2. May 4, 2011 Quitclaim Deed ("IPA Quitclaim") between Andalex Resources, Inc., as Grantor, and Intermountain Power Agency, Grantee, recorded with the Carbon County Recorder on May 13, 2011 at Entry No. 810647, Book 747, Page 98. A copy of the IPA Quitclaim is attached hereto as Appendix B-Part A-23.

#### **R645-301-114.100. DOCUMENTATION**

Appendix B

#### **R645-301-114.200. SEVERED SURFACE AND MINERAL ESTATES**

Appendix B

**Deleted:** It is important to note that this is a *non-exclusive* areal right-of-way, and that there are numerous other equally valid rights-of-way which occupy much of this same area. For example, overlapping rights-of-ways exist for the Utah Railway tracks, the State Highway 139, the Consumers Road, the Carbon County Consumers Road, the by-pass road, the Trestle public road, Rocky Mountain Power 46 KV' powerline, Phillip Petroleum's gas well and pipeline corridor, and Hidden Splendor shop facility. BLM determined the final 270 acre configuration in part to "square up" the boundary for administrative purposes. Being a *non-exclusive* right-of-way means there is no conflict among grantees, and no inherent liability from one grantee to the next, as long as each grantee's activities are within the terms of their respective right-of-way. ¶ The DOGM permit area is located within the BLM right-of-way and is described as follows:¶ NW¼SE¼, N¼SW¼SE¼, E¼E¼NE¼SW¼, E¼NE¼SE¼SW¼, NE¼SE¼SE¼SW¼, NW¼SW¼SW¼SE¼, E¼SE¼SW¼NE¼ and portions of N¼NW¼NE¼SE¼, NE¼SW¼NE¼, SW¼SW¼NE¼, NW¼SE¼SW¼NE¼, W¼NE¼SW¼, W¼E¼NE¼SW¼, W¼E¼SE¼SW¼, comprising 100.19 acres, more or less.¶ In addition, there is a parcel of land 500 feet by 500 feet square whose southeast corner is located 990 feet east of the center of Section 33.¶ Also see Appendix B, Part A-5, for a letter from Beaver Creek Coal Company allowing Intermountain Power Agency to operate on a small portion of their leased land described in the letter.¶



**R645-301-114.210. WRITTEN SURFACE OWNER CONSENT FOR COAL EXTRACTION**

N/A

**R645-301-114.220. CONVEYANCE EXPRESSLY GRANTING RIGHT TO MINE COAL**

N/A

**R645-301-114.230. DOCUMENTATION OF LEGAL AUTHORITY TO MINE COAL**

N/A

**R645-301-114.300. ADJUDICATION OF PROPERTY RIGHTS DISPUTES**

The Division does not have the authority to adjudicate property rights disputes.

**R645-301-115. STATUS OF UNSUITABILITY CLAIMS**

N/A

**R645-301-115.100. IDENTIFICATION OF LANDS UNSUITABLE**

The permit area is not within an area designated unsuitable for the effects of mining activities, specifically, coal loading activities, under study for designation in an administrative proceeding initiated under those parts.

Further, there are no occupied dwellings within 300 feet of the permit.

**R645-301-115.200. CLAIMS OF EXEMPTION BY COMMITMENT PRIOR TO JANUARY 4, 1977**

None.

Deleted: .

**R645-301-115.300. MINING AND RECLAMATION OPERATIONS WITHIN 300 FEET OF AN OCCUPIED DWELLING OR WITHIN 100 FEET OF A PUBLIC ROAD**

The Consumers Road and the Trestle Road are public roads within 100 feet of the disturbed area boundary.

**R645-301-116. PERMIT TERM**

The requested term of this permit is five years. Intermountain Power Agency will then apply for five year extensions over the life of this operation.

**R645-301-116.100. SCHEDULE OF PHASED MINING AND RECLAMATION  
ACTIVITIES**

See R645-301-142

**R645-301-116.200. PERMIT TERM IN EXCESS OF FIVE YEARS**

The requested term of this permit is five years. Intermountain Power Agency will then apply for five year extensions over the life of this operation.

**R645-301-116.210. COMPLETENESS AND ACCURACY FOR LONGER TERM**

N/A

**R645-301-116.220. DEMONSTRATION OF NEED FOR LONGER TERM**

N/A

**R645-301-117. INSURANCE, PROOF OF PUBLICATION AND FACILITIES OR  
STRUCTURES USED IN COMMON**

Appendix B contains certificates of liability insurance covering personal injury and property damage resulting from this operation.

**R645-301-117.100. LIABILITY INSURANCE**

Appendix B

**R645-301-117.200. NEWSPAPER PUBLICATION**

A copy of the newspaper advertisement of this Mining and Reclamation Plan and proof of publication of the advertisement is filed with the Division and made part of the complete application. (See Appendix B).

**R645-301-117.300. FACILITIES USED IN COMMON**

N/A

**R645-301-118. FILING FEE**

N/A

**R645-301-120. PERMIT APPLICATION FORMAT AND CONTENTS**

Summary of Table of Contents

R645-301-100.	General
R645-301-200.	Soils
R645-301-300.	Biology

1-12

R645-301-400.	Land Use and Air Quality
R645-301-500.	Engineering
R645-301-600.	Geology
R645-301-700.	Hydrology
R645-301-800.	Bonding and Insurance

**R645-301-121. REQUIREMENTS**

**R645-301-121.100. CURRENT INFORMATION**

Information is current.

**R645-301-121.200. CLEAR AND CONCISE**

Information is clear and concise.

**R645-301-121.300. FORMAT REQUIREMENTS**

To facilitate review of the application, each chapter listed above has been further divided into specific parts and sections. These can be found listed in the detailed table of contents appearing at the beginning of this text along with the page numbers on which they appear. This table of contents also contains lists of figures, tables, plates, exhibits, and appendices to facilitate cross referencing between chapters.

Exhibits include appropriate supporting documents, reports and publications and are included as appendices.

Maps which were not reduced to fit into the text are included in a separate volume as plates. All maps and plans are submitted in accordance with the requirements.

**R645-301-122. REFERENCED MATERIALS**

All references and referenced publications and materials are listed under R645-301-130.

**R645-301-123. APPLICATION FOR PERMITS, CHANGES, RENEWALS, OR TRANSFERS**

This permit is submitted to update information to the R645 permit format.

**R645-301-130. REPORTING AND TECHNICAL DATA**

**Preparation of Application**

**A. Persons and Consultants Involved**

The following persons and/or organizations were involved in collection and analysis of the technical data set forth in prior versions of this application.

1. In House Consulting Services

- a) Andalex Resources, Inc., AMCA Coal Leasing, Inc.

Samuel C. Quigley - General Manager  
Michael W. Glasson - Senior Geologist  
David E. Shaver - Chief Engineer

2. Outside Consulting Services

- a) Dan W. Guy - Registered Professional Engineer  
(State of Utah No. 4548)  
Price, Utah  
- Sedimentation and Drainage Control Plan
- b) Bruce T.S. Ware - Registered Land Surveyor  
Price, Utah
- c) Rollins, Brown, and Gunnell Provo, Utah  
- Foundation Study
- d) Earl Jensen - Soil Scientist  
Price, Utah
- e) Roy Harniss - Range Scientist  
Logan, Utah  
- Vegetation Inventory

B. Coordination and Consultation with Governmental Agencies

The following governmental agencies were consulted in the preparation of information set forth in the prior versions of this application.

U.S. Department of Agriculture  
Soil Conservation Service  
Price, Utah

U.S. Department of the Interior  
Bureau of Land Management  
Price, Utah  
Salt Lake City, Utah

Office of Surface Mining Reclamation  
and Enforcement  
Denver, Colorado

U.S. Fish and Wildlife Service  
Salt Lake City, Utah

State of Utah:

Department of Natural Resources  
Division of Oil, Gas, and Mining  
Salt Lake City, Utah

Antiquities Section (Consulting Services Branch)  
Salt Lake City, Utah  
(Archaeological Survey)

Department of Natural Resources  
Division of Wildlife Resources  
Salt Lake City, Utah  
Price, Utah

Department of Community & Economic Development  
Division of State History  
Salt Lake City, Utah

Department of Natural Resources  
Division of Water Rights  
Salt Lake City, Utah

Department of Health  
Division of Environmental Health  
Salt Lake City, Utah

C. References

Andalex Resources, Inc. 1987 - Mining and Reclamation Plan

Submitted to the State of Utah

Department of Natural Resources, DOGM

Deleted: D.O.G.M.

Doelling, H.H. 1972 - Central Utah Coal Fields U.G.M.S. Monograph Series No.  
3

U.S.D.A. 1978 - Soil Survey and Interpretations of the Coal Creek Emery Portion  
of the Price River and Emery County Areas, Carbon and Emery Counties, Utah.  
S.C.S.

U.S.D.I. 1979 - Final Environmental Statement, Development of Coal Resources  
in Central Utah, Parts 1 and 2

D. Bibliography

Barfield, B.J., Warner, R.C. and Haan, C.R. 1983. Applied Hydrology and Sedimentology for Disturbed Areas. Oklahoma Technical Press, Stillwater, 603 pp.

Cordova, R.M., 1964, "Hydrogeologic Reconnaissance of Part of Head Waters Area of the Price River, Utah", Utah Geological and Mineral Survey, Water Resources Bulletin 4, p. 26.

Fisher, D.J., Erdmann, C.E., and Reeside, J.B., 1960. "Cretaceous and Testing Formation of the Book Cliffs, Carbon, Emery, and Grand Counties, Utah, and Garfield and Mesa Counties, Colorado", U.S. Geological Survey, Professional Paper 332, p. 80.

Price, D. and Arnow, T., 1974. Summary Appraisals of the Nation's Ground Water Resources - Upper Colorado Region. U.S. Geological Survey Professional Paper 813-C, 40 pp.

Spieker, Edmond M., 1931. Wasatch Coal Field, Utah. U.S. Geological Survey, Bulletin 819.

U.S. Bureau of Reclamation, 1977. Design of Small Dams, U.S. Government Printing Office, Washington, D.C., 816 pp.

Waddell, K.M., and other, 1981. Hydrologic Reconnaissance of the Wasatch Plateau, Book Cliffs Field Areas, Utah. U.S.G.S. Water Supply Paper 2068.

**R645-301-131. TECHNICAL DATA REQUIREMENTS**

Where applicable, technical data submitted has been identified as to who prepared the information and is stamped by that registered professional engineer (P.E.).

**R645-301-132. TECHNICAL ANALYSES REQUIREMENTS**

Analyses are prepared by a qualified professional engineer.

**R645-301-140. MAPS AND PLANS**

Per Division Requirement.

**R645-301-141. MAP FORMATS**

Per Division Requirement.

### Introduction and Overview of Project Permit Application

This permit application is being submitted by Intermountain Power Agency, in order that coal can be stored and loaded out of its coal loadout facility located at Wildcat Junction, near Helper, Utah. This facility is known as the Wildcat Loadout. Intermountain Power Agency is a political subdivision of the State of Utah. Intermountain Power Agency hereby seeks the permit to operate its coal loading and storage facility known as Wildcat Loadout, in accordance with the appropriate regulations. This coal loadout facility is located on land owned by the United States of America in Carbon County, Utah.

Andalex was granted the right-of-way in January, 1982, by the Bureau of Land Management of the United States Department of the Interior. The right-of-way was subsequently amended on February 5, 2007 and assigned to Intermountain Power Agency on August 1, 2011. Intermountain Power Agency, the designated operator, controls all lands within the proposed coal loadout facility area. Intermountain Power Agency, has therefore prepared this coal loadout facility permit application for submission to the appropriate regulatory authorities for review and approval.

Coal storage and loading activities at Wildcat started officially on April 2, 1985, when the first coal was brought there for storage and eventual loadout, under a permit issued to Andalex Resources by the Bureau of Land Management, U.S. Department of the Interior and assigned to Intermountain Power Agency on August 1, 2011. This coal loadout facility is located approximately three miles west of U.S. Highway 6, Consumer's Road, Helper, Utah, in Carbon County and can be more accurately described as parts of Section 33, Township 13 South, Range 9 East, S.L.B. & M. (please see Plate 1). The property contains approximately 270 acres, of which 12.5 acres are under lease to the Utah Railway by the Bureau of Land Management. The serial number for this right-of-way is U-48027. The permit area occupies 100.19 acres within the BLM right-of-way.

There are no perennial streams or bodies of water on the property. Water for culinary purposes is supplied by Price Municipal Corporation and hauled down to the facility using approved culinary tank trucks. The water is in turn stored in an approved culinary tank at the loadout.

Historically, coal loading activities had been the sole use for this permit area, even prior to being leased to Intermountain Power Agency. This is evidenced by the fact that the soil survey of the area revealed that of the eight test holes, two completely lacked topsoil and one located along the tracks had approximately two feet of fine coal and no topsoil. Coal had been stored along the tracks for shipping purposes in the past. It is appropriately justifiable to conclude that Intermountain Power Agency's proposed use of the area for coal storage and loading activities will be fully compatible with its previous use, and as such, no significant new disturbance of the area has occurred. Observations have shown that the previous land use consisting of wildlife habitat and migrations has not been interrupted. This is evidenced by repeated sightings of deer herds moving through the permit area. Other mammals and birds continue to use this area for their

habitat. Access to the loadout and storage facility is by paved county and state roads, which are also maintained by the county and state.

Coal is hauled from the Hidden Splendor Mine and other local mines that may desire coal transloading services. All surface and support facilities necessary for present operations have been completed. There are no additions or modifications proposed at this time.

Aside from the DOGM permit, Intermountain Power Agency has acquired all the necessary approvals, licenses, rights-of-way, and permits at both state and federal levels to conduct coal storage and loading operations on the plan area. The facility is designed to handle loading and crushing activities up to 5.5 million tons per year.

Upon cessation of coal loading activities, reclamation activities will commence in accordance with the plans outlined in this application. The land will be restored to a condition equal to or better than the premining condition, according to available technology.

This facility is located in an area where mining and its related activities have been the main industry, and as a result, the surrounding communities are properly adapted. The labor supply is excellent and well trained. With all these considerations, coupled with the prudent management at Intermountain Power Agency, the Wildcat Coal Loadout Facility is a model operation in the Carbon County area with no significant environmental or socioeconomic impact.

**R645-301-142.100. PRIOR TO AUGUST 3, 1977**

None by Intermountain Power Agency. A wash plant and loadout were operated by other independent companies or individuals in areas presently consumed by Intermountain Power Agency's surface facilities. Intermountain Power Agency's encroachment onto these previously disturbed areas transferred the responsibility for reclamation to Intermountain Power Agency. The specific locations of disturbed areas prior to Intermountain Power Agency's mining activities is irrelevant.

**R645-301-142.200. AFTER AUGUST 3, 1977**

All of Intermountain Power Agency's surface facilities and mining operations began after August 3, 1977.

**R645-301-142.210. PRIOR TO MAY 3, 1978**

See R645-301-142.100.

**R645-301-142.220. SMALL OPERATOR'S EXEMPTION PRIOR TO JANUARY 1, 1979**

N/A



**R645-301-142.300. AFTER MAY 3, 1978 (OR JANUARY 1, 1979 FOR SMALL OPERATOR'S EXEMPTION) AND PRIOR TO APPROVAL OF STATE PROGRAM**

N/A

**R645-301-142.400. AFTER ISSUANCE OF PERMIT BY THE DIVISION**

A list of all applicable permits is included in Appendix B.

**R645-301-150. COMPLETENESS**

Per Division.